Remarks

In the Office Action mailed October 26, 2006, the claims were divided into six (6) groups,

Group I, claims 38-47, drawn to a composition comprising oxyntomodulin and one or more additional agents which influence weight and/or food intake;

Group II, claims 48-50 and 52-61, drawn to a method of decreasing calorie intake, decreasing food intake, and controlling one or more of appetite, satiety and hunger in a subject, comprising administering oxyntomodulin and one or more additional agents which influence weight and/or food intake;

Group III, claims 48-50 and 52-61, drawn to a method of increasing energy expenditure in a subject and to a method for alleviating a condition or disorder in a subject, which can be alleviated by reducing nutrient availability and/or by increasing energy expenditure, comprising administering oxyntomodulin and one or more additional agents which influence weight and/or food intake;

Group IV, claims 48-50 and 52-61, drawn to a method for weight control or treatment, reduction or prevention of obesity, preventing or reducing weight gain, inducing and promoting weight loss and reducing obesity as measured by the BMI in a subject, comprising administering oxyntomodulin and one or more additional agents which influence weight and/or food intake;

Group V, claims 48, 52, 53, 58, and 59, drawn to a method of improving lipid profile in a subject, comprising administering oxyntomodulin and one or more additional agents which influence weight and/or food intake; and

Group VI, claims 48, 51, and 52-61, drawn to a method for reducing levels of circulating ghrelin in a subject, comprising administering oxyntomodulin and one or more additional agents which influence weight and/or food intake. It appears that claim 51 was inadvertently omitted from Group VI by the Examiner. Therefore, applicants have included it in the list of claims in Group VI.

In response, applicants elect Group IV, claims 48-50 and 52-61, with traverse.

The restriction requirement is ***improper. There is no difference in method steps between the alleged groups of Groups II, III, IV, V, and VI.*** The examiner has restricted ***generic claims*** into five groups, not based on the active agent to be administered, oxyntomodulin and one or more additional agents which influence weight and/or food intake, but on ***intended effect***. The claims in Groups II-VI must be searched for the same elements:

Method comprising

Administering to the subject

oxyntomodulin and one or more additional agents which influence weight and/or food intake.

Examination of all of the claims in Groups II, II, IV, V, and VI, i.e. claims 48-61, is earnestly solicited. These claims are linked together by claim 48, the independent claim from

which all of the method claims depend, directly or indirectly. A search for prior art relating to elected Group IV will inherently include a search for art relating to claims in Groups II, III, V, and VI since the independent claims in these groups are the same and require the same method steps. Therefore the claims in Groups II, III, IV, V, and VI should be grouped together.

Should the examiner maintain the restriction, then it should be placed on record that art relating to the intended effect, i.e., (1) decreasing calorie intake, decreasing food intake, and controlling one or more of appetite, satiety and hunger in a subject, (2) increasing energy expenditure in a subject and to a method for alleviating a condition or disorder in a subject, which can be alleviated by reducing nutrient availability and/or by increasing energy expenditure, (3) weight control or treatment, reduction or prevention of obesity, preventing or reducing weight gain, inducing and promoting weight loss and reducing obesity as measured by the BMI in a subject, (4) improving lipid profile in a subject, or (5) reducing levels of circulating ghrelin in a subject, does not disclose nor make obvious the other groups.

Group I claims are related to the claims in Groups II-VI as product and process of using. As noted by the Examiner, Group I claims will be rejoined and fully examined if they include all of the limitations of the process of using claims, once the process of using claims are determined to be allowable.

Election of Species

In addition, the Office Action required an election of a species from among specific oxyntomodulin molecules and a specific additional agent which influences weight and/or food

intake. In response, Applicants elect oxyntomodulin as the oxyntomodulin and GLP-1 or an agonist thereof as the additional agent. Claims 38-61 read on the elected species. Applicants make this species election with the understanding that upon a finding that the elected species are patentable, the generic claims will be searched and examined.

Regrouping of the claims in Groups II-VI into one group, and favorable consideration of claims 48-61 is respectfully solicited.

Respectfully submitted,

/Rivka D. Monheit/
Rivka D. Monheit
Reg. No. 48,731

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PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2152
(404) 879-2160 (Facsimile)